

ZB# 71-16

Ronny Bogert

(no SBL given)

Public Hearing
on Dec. 6, 1971

8 p.m.

Town fee paid

Hearing notice to

appear by Nov. 24th

(Publish Nov. 26)

71-16

Ronny

Bogert

File Contains:

- + 22 - Receipts for Certified Mail - dated Nov. 9, 1971
 - + 5 - Returns - Certified Mail - sent by Scott, Hoyt + Drake
 - + Application for Variance dated Oct. 1971 - Hearing, Dec. 6, 1971
 - + Correspondence dated Dec 10, 1971 sent to B+2 Inspectors from Fred Wiggant
 - + Correspondence dated Nov. 24, 1971 to Mr. Wiggant from Orange County Planning Dept.
 - + Correspondence dated Nov. 16, 1971 to Mr. Wiggant from Leonard T. Lind, Realtor
 - + List of Spectators who attended 12/6/71 Public Hearing
 - + Correspondence dated Nov. 8, 1971 - with attachment of Notice of Hearing & Assessors List of Property owners.
- Oxford**
STOCK No. 752 1/3
MADE IN U. S. A.
- + Deed Plot + Plot Plan - Lands of Ronny Bogert - dated 6/22/71
 - + Proof of Publication re: Notice of Hearing dated Nov. 26, 1971
 - + Correspondence dated Nov. 8, 1971 to Scott, Hoyt + Drake from Pat Delis
 - + Correspondence dated Oct. 26, 1971 to Mrs. Delis from Richard J. Drake
 - + Application dated October 4, 1971 submitted by Ronny Bogert re: Area variance and subdivision

Aforementioned items received:

Patricia Delis
Signature

1/4/72

Lepte

Filed 12/15/71
9:00 AM

7-16
Ronny Bogert

**PUBLIC NOTICE OF
HEARING BEFORE
THE ZONING BOARD
OF APPEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 16
Request of Ronny Bogert for a Variance of the regulations of the Zoning Ordinance to permit area variance being a Variance of Article 4, Section 48-14, for property owned by him situated as follows: On the corner of Clark View Road, New Windsor, N.Y.

SAID HEARING will take place on the 6th of December, 1971, at the N. W. Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:00 clock P.M.

FRED WYGANT
Chairman
By: PATRICIA DELIO
Secretary

Nov. 26

State of New York

County of Orange, ss:

Philip T. Gialanella, being duly sworn deposes and says that he is The Publisher of Newburgh-

Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published

One Time

in said newspaper, commencing on the 26th day of November

A.D., 1971, and ending on the 26th day of November A.D., 1971

Subscribed and sworn to before me this
.....30th..... day of.....November.....19.....71

Notary Public of the State of New York, County of Orange.

MY COMMISSION EXPIRES MARCH 30, 1972



SCOTT & HOYT & DRAKE
ATTORNEYS AND COUNSELORS AT LAW

J BRADLEY SCOTT (1894-1962)
JULIUS LARKIN HOYT
RICHARD J. DRAKE
LORRAINE COTÉ DEVERS

POST OFFICE BOX 511
233 LIBERTY STREET
NEWBURGH, NEW YORK 12550
(914) 562-3540

November 8, 1971

Re: RONNY BOGERT

I enclose herewith a Notice of Public Hearing seeking an area variance for the sale of two lots located on the corner of #1 Clark View Road in the Town of New Windsor.

Very truly yours,

RICHARD J. DRAKE

RJD:kfw
enc.

*Sent Cent mail, Ret Rec. Requested
to all names on attached
list from Town of New Windsor*

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33A of the Zoning ordinance on the following proposition:

Appeal No. 16

Request of Ronny Bogert for a variance of the regulations of the Zoning Ordinance to permit subdivision, being a variance of Article 4, Section 48-14, for property owned by him situated as follows: on the corner of Clark View Road

SAID HEARING will take place on the 6th day of December, 1971 at the Town Hall beginning at 8:00 o'clock P.M.

Frederick C. Wygant, Jr.
Chairman



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Richard Drake, Esquire
RE: Ronny Bogert Property

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

27 list

- ✓ William A. & Barbara Dabroski
MD #29, Route 207
New Windsor, New York 12550
- ✓ Leonard T. & Elvira G. Lind
50 N.W. 204 Street
Miami, Florida 33169
- ✓ Kenneth F. & Louise K. Boast
MD #29, Route 207
New Windsor, New York 12550
- ✓ Everett & Nellie M. Montgomery
MD #29, Route 207
New Windsor, New York 12550
- ✓ Curtis W. & Margaret Miller
MD #29, Route 207
New Windsor, New York 12550
- ✓ Town of New Windsor
555 Union Avenue
New Windsor, New York 12550
- ✓ Stephen John & Regina Csubak
2 Clarkview Road
New Windsor, New York 12550
- ✓ Clifton G. & Peggy L. Thayer
4 Clarkview Road
New Windsor, New York 12550
- ✓ John B. & Virginia Glassey, Jr.
6 Clarkview Road
New Windsor, New York 12550
- ✓ Myron L. & Madeleine E. Bradley
8 Clarkview Road
New Windsor, New York 12550
- ✓ Harold & Doris Miller
10 Clarkview Drive
New Windsor, New York 12550
- ✓ John J. & E. Audrey Davidson
1 Clarkview Drive
New Windsor, New York 12550
- ✓ Edward John & Joan G. Quicksell
3 Clarkview Road
New Windsor, New York 12550
- ✓ John & Josephine Resko
5 Clarkview Road
New Windsor, New York 12550
- ✓ Joseph Robert Vernol
1 Knox Drive
New Windsor, New York 12550
- ✓ Ralph & Florinda Cory
3 Knox Drive
New Windsor, New York 12550
- ✓ Robert E. & Katherine I. Hennessey
5 Knox Drive
New Windsor, New York 12550
- ✓ Richard E. & Betty R. Slenker
7 Knox Drive
New Windsor, New York 12550
- ✓ Gordon R. & Florence K. Thompson
7 Clarkview Road
New Windsor, New York 12550
- ✓ Vincent & Sarah A. Merrill
P. O. Box 932
Newburgh, New York 12550
- ✓ Carolyn J. Schult
4 Knox Drive
New Windsor, New York 12550
- ✓ Leonard & Angelina A. Russio
6 Knox Drive
New Windsor, New York 12550
- ✓ John J. & Alice P. Reilly
3 Mitchell Avenue
New Windsor, New York 12550
- ✓ Joseph A. Eisgruber
1 Mitchell Avenue
New Windsor, New York 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Richard Drake, Esquire
RE: Ronny Bogert Property

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

| Ronald L. & Joan Dinino
11 Clarkview Drive
New Windsor, New York 12550

| Raymond W. & Virginia M. Mehr, Jr.
9 Clarkview Drive
New Windsor, New York 12550

/ The City of Newburgh
Newburgh, New York 12550

Respectfully submitted,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Assessor
Town of New Windsor

EEW:pt

SCOTT & HOYT & DRAKE
ATTORNEYS AND COUNSELORS AT LAW

J BRADLEY SCOTT (1894-1962)
JULIUS LARKIN HOYT
RICHARD J DRAKE
LORRAINE COTÉ DEVERS

POST OFFICE BOX 511
233 LIBERTY STREET
NEWBURGH, NEW YORK 12550
(914) 562-3540

October 26, 1971

Mrs. Patricia Delio, Secretary
New Windsor Zoning Board of Appeals
7 Franklin Avenue, M.D. 42
New Windsor, New York 12550

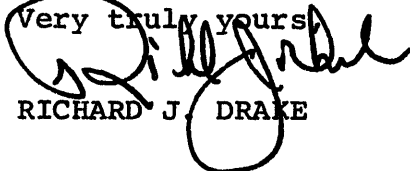
Re: Ronny Bogert Property
1 Clark View Road

Dear Mrs. Delio:

I enclose herewith an application form, together with applications for variance and a copy of the plan and request that this be set down for a public hearing at the earliest convenient time in the month of November.

I also enclose a public notice of hearing. If you will advise me the date of the hearing, I will send out the registered letters to the property owners, a copy of which I have already procured from Mr. Weyant.

Our office check in the sum of \$10.00 payable to the Town of New Windsor is included herewith.

Very truly yours,

RICHARD J. DRAKE

RJD:kfw
enc.

TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE October 4, 1971

APPLICATION is hereby made for the following:

Agenda x Service _____

- ✓ 1. Name Ronny Bogert
Address R.D.2, Afton, New York 13730
Telephone number _____
Are you the owner of the property? Yes
- ✓ 2. Briefly describe intention (or attach) and location of property:
Area variance and subdivision

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
x _____ Variance (Notify P/B - plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
x _____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges
applicable under the laws and ordinances of the State of New

APPLICATION is hereby made for the following:

Agenda x Service _____

- ✓ 1. Name Ronny Bogert
Address R.D.2, Afton, New York 13730
Telephone number _____
Are you the owner of the property? Yes
- ✓ 2. Briefly describe intention (or attach) and location of property:
Area variance and subdivision

3. PLANNING BOARD

_____ Site Plan Preliminary Meeting
_____ Subdivision Preliminary Meeting
_____ Informational Meeting

AGENDA DATE _____

4. ZONING BOARD OF APPEALS

_____ Interpretation of Ordinance or Map
x _____ Variance (Notify P/B - plans if necessary)
_____ Informational meeting

AGENDA DATE _____

5. BUILDING PERMIT

_____ Planning Board action needed
x _____ Z.B.A. action needed
_____ Site plan needed
_____ Subdivision approval needed
_____ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed: _____

Ronny Bogert
(ADDITIONAL)

Public Hearing - 12/6/71 -

Ronny Bogert

Spectators:

Name

Address

John R Thompson 7 Clarkview Rd.

Ernest Montgomery 17112 29 Little Britain Rd.

Curtis W. Miller M.D. #29 Little Britain Rd.

Margaret Miller M.D. 29 Little Britain Rd. Newburgh.

Paul J. Jull 10 Alameda Ave New Windsor, N.Y.

Michael Rayensky 18 Gardner St Newburgh, N.Y.

Forge Hill Rd.
New Windsor, N. Y.
December 10, 1971

Howard Collett, Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12550

Re: Application No. 71-16
Bonny Bogert

Dear Howard:

Please be informed that the above application
for a variance was denied at the December 6th meeting
of the Zoning Board of Appeals.

Yours truly,

FRED WYGANT, Chairman

/pd

cc: Richard Drake, Esq.
233 Liberty St.
Newburgh, N. Y. 12550

Adop

APPLICATION FOR VARIANCE

Application # 71-16

Date: Oct. 19 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (WE) Ronny Bogert

of R.D.2

(Street & number)

Afton

New York 13730

HEREBY MAKE

9 (State)

APPLICATION FOR A VARIANCE.

A. LOCATION OF THE PROPERTY 1 Clark View Road

R B

(Street & Number)

(Use district on Map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance. Article 4, Section 48-14)

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because: Applicant seeks a

subdivision and area variance. The character of the use of the zone would not change since it is residential and applicant will continue the residential character of the use.

2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: The property presently has two homes situated thereon and

unless applicant can subdivide, he will be unable to sell off the homes separately, thereby depriving him of the reasonable use of the land. Furthermore, applicant has an investment in the property and cannot recover his investment unless he is permitted to subdivide, which will require an area variance.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The conditions requiring the variance were created by the prior owner, Violet Perry. Mrs. Perry contracted with applicant to place a modular home on the property and promised to pay for the home upon the completion and erection of said modular home with mortgage money proceeds. However,

~~XX~~
~~XX~~
for XXXXXXXXXXXXXXXXXXXX Mrs.Perry owned two lots contiguous to each other
and placed the modular home on the smaller lot but placed it on an angle so
it encroached on the larger property. To correct the situation,it is neces-
sary to change the lot line and establish a subdivision,which is undersize
in area. This applicant was unaware of this situat\$on at the time it was
being done.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The relief being an area variance only does not change the character of the use of the neighborhood and, in fact, will continue said use as residential.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: All properties in the zone affected by this application are residential and the variance sought by applicant would not constitute a special privilege and is indeed the classic grounds of relief, viz. an area variance.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Plans attached

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Board of Appeals.

F. NOTICE OF HEARING; Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1 of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 M of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Board.

Dated: October 12 1971

Annex Bogert
Signature of Applicant

STATE OF NEW YORK) SS
COUNTY OF ORANGE)

Sworn to on this 12 day of Oct., 1971.

RICHARD J. DRAKE
NOTARY PUBLIC IN THE STATE OF NEW YORK
RES. 1-1-72 ORANGE COUNTY
MY COMM. EXPIRES MARCH 30, 1972

Richard J. Drake
(Notary Public)

RD 2, Afton, New York
Address

562-3540
Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 17-16
Date of Hearing Dec. 16, 1971
Date of Decision 11

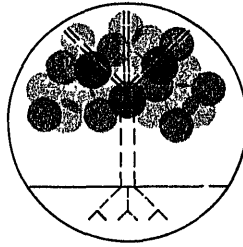
Date Rec'd. Oct. 71
Notice Published

DECISION:

Granted

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

November 24, 1971

Mr. Fred C. Wygant, Jr., Chairman
Town of New Windsor Zoning Board of Appeals
Forge Hill Road
New Windsor, New York

Re: Area Variance - Bogert
Route 207 and Clark View
Road

Dear Mr. Wygant:

This office is in receipt of the above. Pursuant to the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review.

We find no objection to the variance and feel that the matter is essentially one for local determination.

Very truly yours,

Edwin J. Garling
Deputy Commissioner of Planning

EJG:mj
cc: Richard Drake, Atty.

LEONARD T. LIND, Realtor

Real Estate
Developers and Builders



Agent for "ADIRONDACK-WELL BUILT" Homes • Customized Homes • Your Plan or Ours • Factory Engineered for Economy • None Finer Built

311 Stillwater Ct.
Jupiter Fla. 33458

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

November 16, 1971

Mr. Frederick C. Weygant, Jr.
Chairman, Zoning Board of Appeals
Town of New Windsor, Newburgh, N. Y.
12550

Dear Sir;

I have just received a Notice of Public Hearing from the office of Scott - Hoyt - and Drake, attorneys re variance sought by one Renny Bogert for a subdivision permit at #1 Clarkview Rd.

I do not know what this subdivision is for. I would appreciate it if you would let me know all about it.

However, if this variance is for any other purpose than residential use, I am opposed to it very definitely.

I wish to make this protest against any other use known to the Zoning Board of Appeals.

Very truly yours,

Leonard T. Lind

Leonard T. Lind

